

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

Mark Smith,

Plaintiff,

v.

United States of America,

Defendant.

Civil Action No. 2:18-1522-RMG

ORDER AND OPINION

The Court, having been advised by counsel for the parties that the above action has been settled,

IT IS ORDERED that this action is hereby dismissed without prejudice. If settlement is not consummated within sixty (60) days, either party may petition the Court to reopen this action and restore it to the calendar. Fed. R. Civ. P. 60(b). In the alternative, to the extent permitted by law, either party may within sixty (60) days petition the Court to enforce the settlement, and the Court specifically retains jurisdiction to enforce the settlement. *See Fairfax Countywide Citizens v. Fairfax Cnty.*, 571 F.2d 1299 (4th Cir. 1978). The dismissal hereunder shall be with prejudice if no action is taken under either alternative within sixty (60) days from the filing date of this order.

AND IT IS SO ORDERED.

/s/ Richard Mark Gergel
Richard Mark Gergel
United States District Court Judge

May 20, 2019
Charleston, South Carolina